

# Agriculture and Wildlife

See full summary documents for additional detail

## **H44 - Local Government Regulatory Reform 2015, Sec. 8: Local Regulation of Beehives (SL 2015-246)**

Sec. 8 of S.L. 2015-246 prevents a county, city, or other political subdivision of the State from adopting or continuing to enforce any ordinance or resolution that prohibits any person or entity from owning or possessing five or fewer beehives. A city can require that the hive be placed at ground level or securely attached to an anchor or stand, regulate placement of the hive on the parcel, and require removal of the hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

This section became effective September 23, 2015.

## **H97 - 2015 Appropriations Act, Sec. 13.7: Spay/Neuter Program Revisions (SL 2015-241)**

Sec. 13.7 of S.L. 2015-241 makes the following revisions to the State's spay/neuter program:

Amends G.S. 19A-63, which specifies eligibility for reimbursement from State funds to city or county spay/neuter programs for low-income persons, as follows:

- Specifies that if the city or county chooses to contract with a third party for operation of a spay/neuter clinic, the third party must be a non-profit organization and the organization must contract with a local veterinarian (defined as a veterinarian practicing in the county or an adjacent county if no veterinarian is practicing in the county) to perform the spay/neuter procedures.
- Requires counties to provide an opportunity to participate in the spay/neuter program supported by State funds to all local veterinarians.
- Amends the definition of "low-income person" to 100% of the federal poverty level.
- Creates a new "Animal Shelter Support Fund" within the Animal Welfare Section of the Department of Agriculture and Consumer Services to reimburse local governments for expenses related to operation of a registered animal shelter upon the denial, suspension, or revocation of the shelter's registration or the occurrence of an unforeseen catastrophe at the shelter. Funding from the Animal Shelter Support Fund would have to be matched by a requesting local government with a match amount based on the economic development tier status of the county (a 1:3 match in tier one counties, a 1:2 match in tier two counties, and a 1:1 match in tier three counties).

This section became effective July 1, 2015.

## **H97 - 2015 Appropriations Act, Sec. 13.8: Conservation Reserve Enhancement Program Report (SL 2015-241)**

Sec. 13.8 of S.L. 2015-241 directs the Department of Agriculture and Consumer Services to assess and report to the General Assembly on the activities of the Conservation Reserve Enhancement Program,

including a five-year projection of the program's future funding requirements and an assessment of its effectiveness in reducing nonpoint source pollution in waterways. The Department must submit the report by April 1, 2016.

This section became effective July 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 13.2: Tennessee Valley Authority Settlement Funds (SL 2015-241)**

Sec. 13.2 of S.L. 2015-241 directs the Department of Agriculture and Consumer Services (Department) to apply for \$2.24 million from the Tennessee Valley Authority Settlement Agreement in compliance with the settlement terms. The funds must be allocated as follows:

- \$500,000 to WNC Communities to fund energy efficiency projects for public schools.
- \$740,000 to municipalities with a population of less than 1,000 located in counties within the Tennessee Valley Authority Service area that are classified as distressed by the Appalachian Regional Commission for higher efficiency upgrades to electrical transmission and distribution equipment and facilities.
- \$500,000 to the Agriculture Cost Share Program for Nonpoint Source Pollution Control for projects in the counties of Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, and Yancey.
- \$500,000 to the Department's Bioenergy Development Program for projects in the counties of Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, and Yancey.

This section became effective July 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 13.4: Drug Manufacturing Licensing and Registration Fees (SL 2015-241)**

Sec. 13.4 of S.L. 2015-241, as amended by Sec. 5.1 of S.L. 2015-268 and Sec. 32 of S.L. 2015-263, raises the annual registration fee for manufacturers, outsourcing facilities, and repackagers of prescription drugs from \$500 to \$1000 and for wholesalers of prescription drugs from \$500 to \$750. This section also raises the fee for an application for an initial license or a renewed license as a wholesale distributor for a manufacturer from \$500 to \$1000 and for any other person from \$350 to \$700.

This section became effective October 1, 2015.

### **H97 - 2015 Appropriations Act, Sec. 13.5: Food Manufacturer and Retailer Inspection Fees (SL 2015-241)**

Sec. 13.5 of S.L. 2015-241, as amended by Sec. 5.2 of S.L. 2015-268, raises the fees for inspection of ice cream factories, ice cream makers, cheese factories, and butter processing facilities. The fee increases

from \$40 to \$100 for those facilities that dispose of its product at wholesale to retail dealers for resale in this State. The fee increases from \$10 to \$50 for any maker of the same product that disposes of its product at retail only.

This section became effective October 1, 2015.

### **H553 - Ordinances Regulating Animals (SL 2015-192)**

S.L. 2015-192 prohibits cities and counties from adopting ordinances regulating standards of care for farm animals.

This act became effective August 5, 2015.

### **H574 - Opossum Exclusion From Wildlife Laws (SL 2015-73)**

S.L. 2015-73 provides that no State or local statutes, rules, regulations, or ordinances related to wildlife apply to the Virginia opossum between December 29 and January 2 of each year.

This act became effective June 11, 2015.

### **H601 - Sale of Deer Skins (SL 2015-18)**

S.L. 2015-18 allows the sale of skins of deer lawfully taken by hunting, subject to tagging and reporting requirements and season limits set by the Wildlife Resources Commission.

This act became effective October 1, 2015, and applies to deer lawfully taken on or after that date.

### **H640 - Outdoor Heritage Act (SL 2015-144)**

S.L. 2015-144 makes the following changes to the wildlife laws of the State:

- Directs the Wildlife Resources Commission (WRC) and the Outdoor Heritage Advisory Council to study the establishment of the North Carolina Outdoor Heritage Trust Fund. The Trust Fund is to be used to provide for the expansion of outdoor opportunities for persons 16 years of age or younger, is to be funded through voluntary check-off donations of not more than \$2.00 on transactions processed through WRC, and is to be administered by the Outdoor Heritage Advisory Council established in this act.
- Establishes the Outdoor Heritage Advisory Council to advise State agencies and the General Assembly on the promotion of outdoor activities. This section became effective July 1, 2015.
- Directs the Legislative Research Commission to study the need for expanded access to public lands.

- Requires a two-year suspension of a hunting license for a person who receives a third or subsequent conviction for hunting on posted property.
- Allows hunting with firearms seven days a week on private property, subject to the following limitations:
  - Hunting with firearms between the hours of 9:30 A.M. and 12:30 P.M. on Sunday is prohibited.
  - Hunting migratory birds with firearms on Sunday is prohibited.
  - The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.
  - Hunting on Sunday with a firearm within 500 yards of a place of worship or a residence not owned by the landowner is prohibited.
  - Hunting on Sunday with a firearm in a county having a population greater than 700,000 people is prohibited.

Beginning October 1, 2017, counties may prohibit hunting with firearms on Sunday by ordinance.

- Requires WRC to amend its rules to provide that cub bears are bears that weigh less than 75 pounds.
- Requires WRC to prohibit the use of dogs for fox hunting between April 1 and August 1, in Bladen Lakes State Forest Game Land. This section became effective June 1, 2015.
- Codifies a policy statement recognizing the importance of hunting with dogs to North Carolina's outdoor heritage and encouraging cooperative and neighborly agreements between landowners and hunters for the retrieval of hunting dogs, and provides that any landowner or lessee who grants a hunter permission to enter the land to retrieve hunting dogs owes that hunter the same duty of care that the landowner or lessee would owe a trespasser.

Except as otherwise provided, this act became effective October 1, 2015.

### **H765 - Regulatory Reform Act of 2015, Sec. 4.32: Pigeon Hunting (SL 2015-286)**

Sec. 4.32 of S.L. 2015-286 exempts pigeons from the animal cruelty statutes and the Animal Welfare Act.

This section became effective October 22, 2015.

### **H765 - Regulatory Reform Act of 2015, Secs. 4.33, 4.34, and 4.35: Wildlife Resources Commission Studies (SL 2015-286)**

Secs. 4.33, 4.34, and 4.35 of S.L. 2015-286 direct the Wildlife Resources Commission (WRC) to study several matters as follows:

- Section 4.33 directs the WRC to review the methods and criteria by which it adds, removes, or changes the status of animals on the State Protected animal list and compare these to federal regulations and the methods and criteria of other States in the region. This section also directs the WRC to review the State's policies for addressing introduced species and make recommendations for improving these policies. The WRC must report its findings to the Environmental Review Commission (ERC) by March 1, 2016.

- Section 4.34 directs the WRC to establish a coyote management plan to address the impacts of coyotes in this State and the threats that coyotes pose to citizens, industries, and populations of native wildlife species within the State. The WRC must report its findings and recommendations, including any proposed legislation to address overpopulation of coyotes, to the ERC by March 1, 2016.
- Section 4.35 directs the WRC to establish a pilot coyote management assistance program in Mitchell County to document and assess private property damage associated with coyotes; evaluate effectiveness of different coyote control methodologies, including lethal removal; and evaluate potential for a scalable statewide coyote assistance program. The WRC must submit an interim report on the progress of the pilot program to the ERC by March 1, 2016, and a final report by January 1, 2017.

These sections became effective October 22, 2015.

### **H765 - Regulatory Reform Act of 2015, Sec. 4.36: Animal Welfare Hotline and Court Fee to Support the Investigation of Animal Cruelty Violations (SL 2015-286)**

Sec. 4.36 of S.L. 2015-286 directs the Attorney General to establish and publicize a hotline to receive reports of allegations of animal cruelty or violations of the Animal Welfare Act against animals under private ownership. An individual who makes a report to the hotline must disclose his or her name and telephone number, and any other information the Attorney General may require. When the Attorney General receives allegations of activity involving cruelty to animals under private ownership, the Attorney General's office must refer the allegations to the appropriate local animal control agency. When the Attorney General receives allegations of activity involving a violation of the Animal Welfare Act against animals under private ownership, the Attorney General's office must refer the allegations to the Department of Agriculture and Consumer Services. The Attorney General must maintain a record of the total number of reports received on the hotline and the number of reports received against any individual on the hotline.

This section becomes effective March 1, 2016.

### **H765 - Regulatory Reform Act of 2015, Sec. 4.39: Allow Alternate Disposal of Biodegradable Agricultural Plastics (SL 2015-286)**

Sec. 4.39 of S.L. 2015-286 allows burning of polyethylene agricultural plastic without an air quality permit, provided that the burning:

- Does not violate State or federal ambient air quality standards.
- Is conducted between an hour after sunrise and an hour before sunset.
- Is set back at least 250 feet from a paved public roadway and at least 500 feet from an occupied structure outside the property where the burning is conducted.
- Is conducted in a manner such that it does not constitute a public nuisance.
- Is conducted by any of the following means: (i) by professionally manufactured equipment solely for the purpose of plastic mulch burning or incineration and approved by the Commissioner of Agriculture; (ii) by a fire that is enclosed in a noncombustible container; or (iii) by a fire that is restricted to a pile no greater than eight feet in diameter on cleared ground.

The Department of Agriculture and Consumer Services is given authority to adopt rules to implement the provisions of this section.

This section is retroactively effective on January 1, 2015.

### **H765 - Regulatory Reform Act of 2015 (SL 2015-286)**

[For summaries of other provisions of this act, please see other subject areas.]

### **S112 - Commercial Fishing Courses/Coastal Colleges (SL 2015-63)**

S.L. 2015-63 urges all of the coastal community colleges to offer courses on commercial fishing and aquaculture, and requires the North Carolina Community Colleges System Office to provide technical assistance and report to the Joint Legislative Education Oversight Committee on issues limiting the ability to offer such courses.

This act became effective June 11, 2015.

### **S313 - Industrial Hemp (SL 2015-299)**

S.L. 2015-299: (i) creates the North Carolina Industrial Hemp Commission to establish and oversee a program to license growers to cultivate industrial hemp for commercial purposes and to promote the use of industrial hemp products; (ii) requires the Commission to obtain funding from non-State sources of \$200,000 before meeting or undertaking any of its statutory powers or duties; and (iii) decriminalizes the production and use of industrial hemp upon the completion of permanent rulemaking by the Board of Agriculture of rulemaking proposals made by the Commission pertaining to supervision of the planting, cultivation, harvesting, and use of industrial hemp under license issued by the Commission.

The decriminalization of industrial hemp cultivation, sale, and possession becomes effective only after permanent rules governing the cultivation, production, and sale are adopted by the Board of Agriculture. The remainder of this act became effective October 31, 2015.

### **S513 - North Carolina Farm Act of 2015 (SL 2015-263)**

[For summaries of other provisions of this act, please see the ENVIRONMENT, NATURAL RESOURCES, AND ENERGY, FINANCE, HEALTH AND HUMAN SERVICES, and TRANSPORTATION subject areas.]

**S513 - North Carolina Farm Act of 2015, Sec. 7: Amend Definition of "Agricultural Spreader Vehicle" and Increase Speed Limit for Agricultural Spreader Vehicles (SL 2015-263)**

Sec. 7 of S.L. 2015-263 amends the definition of "agricultural spreader vehicle" to include vehicles designed for off-highway use on a farm to spread feed, and allow agricultural spreader vehicles that are exempt from the requirement of registration and certificate of title to travel at a speed of up to 45 miles per hour, increased from 35 miles per hour.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 8: Allow All Terrain Vehicles and Utility Vehicles Used for Agricultural Purposes to Operate on Public Roads (SL 2015-263)**

Sec. 8 of S.L. 2015-263 allows any person to operate an all-terrain vehicle or utility vehicle on a public street or highway when engaged in farming operations.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 9: Clarify the Road Weight Limitation Exceptions for Transportation of Agricultural Products and Supplies (SL 2015-263)**

Sec. 9 of S.L. 2015-263 clarifies that the weight limitation exceptions for transportation of agricultural products and supplies apply to vehicles carrying dairy products; transportation of agricultural products and supplies from a holding facility or to a feed mill; vehicles carrying water, fertilizer, pesticides, seeds, fuel, or animal waste to or from a farm; and vehicles carrying feed ingredients from a storage or holding facility to a mill or farm.

This section became effective October 1, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 32: Allow Department of Agriculture and Consumer Services to Register Outsourcing Facilities Engaged in the Compounding of Sterile Drugs (SL 2015-263)**

Sec. 32 of S.L. 2015-263 authorizes the Department of Agriculture and Consumer Services to register facilities engaged in the compounding of sterile drugs that are registered as outsourcing facilities with the federal Food and Drug Administration to ensure consistency with current registration practices for drug wholesalers, manufacturers, and repackagers.

This section became effective September 30, 2015.

### **S513 - North Carolina Farm Act of 2015, Sec. 2: Conform Compensation Paid to an H-2A Agricultural Worker to Federal Wage Withholding Standards (SL 2015-263)**

Sec. 2 of S.L. 2015-263 provides that an employer does not have to withhold State income tax on compensation paid to an H-2A agricultural worker if the employer is not required to withhold federal income tax on that compensation. Since calendar year 2011, an employer must report compensation of \$600 or more paid to an H-2A agricultural worker on Form W-2, but the employer is not required to withhold federal taxes on the compensation unless the worker fails to provide the employer with either a Social Security Number (SSN) or an Individual Taxpayer Identification Number (ITIN). In the case of an H-2A agricultural worker who fails to provide a SSN or ITIN, the employer must withhold and remit 28% of the compensation and continue withholding this amount until the worker furnishes the employer the SSN or ITIN.

This section is effective for taxable years beginning on or after January 1, 2015.

### **S513 - North Carolina Farm Act of 2015, Sec. 12: Present-Use Value Modifications (SL 2015-263)**

Sec. 12 of S.L. 2015-263 makes three changes to present-use value taxation:

- Provides that, for purposes of present-use value, the commercial production or growing of animals includes the rearing, feeding, training, caring, and managing of horses.
- Provides that when a tax assessor is determining whether a business entity applicant for present-use value has farming as its principal business, there is a rebuttable presumption that farming is the business entity's primary business if the applicant has been approved for present value taxation for a qualifying property in another county. Any determination about the applicant's eligibility does not affect the determination of whether the individual parcel of land meets the classifications for agricultural, horticultural, or forest land pursuant to G.S. 105-277.3. Further, if the assessor is able to rebut the presumption, this does not invalidate a determination that the applicant's principal business is farming agricultural land, horticultural land, or forestland in the other county.
- Effective September 30, 2015, directs the Department of Revenue to annually publish a present-use value program guide and make the guide available on its Web site. Tax assessors must adhere to the Department's guide when making decisions regarding the qualifications or appraisal of property for the present-use value taxation program.

Except as otherwise provided, this section became effective July 1, 2015, and applies to taxes imposed for taxable years beginning on or after that date.

### **S513 - North Carolina Farm Act of 2015, Sec. 11: Allow Shellfish Cultivation Leases in Areas Containing Submerged Aquatic Vegetation (SL 2015-263)**

Sec. 11 of S.L. 2015-263 directs the Secretary of Environment and Natural Resources, except as prohibited by federal law, not to exclude any area from shellfish cultivation leases solely on the basis that



the area contains submerged aquatic vegetation. However, the policy of the Army Corps of Engineers, Wilmington District, prohibits shellfish leasing in areas with submerged aquatic vegetation, and this section is not enforceable until the Corps amends its policy.

This section became effective October 1, 2015, and applies to any new shellfish cultivation leases or renewals of existing shellfish cultivation leases issued on or after that date.

### **S513 - North Carolina Farm Act of 2015, Sec. 13: Procedure for Termination or Modification of Conservation Agreements (SL 2015-263)**

Sec. of S.L. 2015-263 provides that easements secured by the Agricultural Development and Farmland Preservation Trust Fund and any agricultural conservation easement secured in whole or in part with federal funds, and where at least one party is a public body of the State, must not be terminated or modified for the purpose of economic development. Prior to any modification or termination of a conservation agreement, the agency requesting the termination must conduct a conservation benefit analysis, and the termination or modification may only proceed if the analysis concludes that the modification or termination results in a greater benefit to conservation purposes. The analysis must be provided to the Council of State before the Council of State votes on the final decision to modify the agreement. However, this section does not apply to a condemnation action initiated by an entity condemning the property through eminent domain, as governed by Article 6 of Chapter 40A of the General Statutes.

This section also allows funds from the Agricultural Development and Farmland Preservation Trust Fund to be distributed to the Department of Agriculture and Consumer Services for the purchase of agricultural conservation easements or agreements to be held by the Department.

This section became effective September 30, 2015, and applies to conservation agreements or easements executed on or after that date.

### **S513 - North Carolina Farm Act of 2015, Sec. 16: Amend the Definition of "New Animal Waste Management System" and the Application of Swine Waste Management System Performance Standards (SL 2015-263)**

Sec. 16 of S.L. 2015-263 amends the implementation of animal waste management system regulations to provide that:

- A "new animal waste management system" does not include a system that has been abandoned or unused for a period of four years or more and is then put back into service.
- Certain swine waste management system performance standards do not apply to any facility that meets all the following conditions:
  - Has had no animals on site for five continuous years or more.
  - Notifies the Division of Water Resources (Division) in the Department of Environmental Quality in writing at least 60 days prior to bringing any animals back onto the site.
  - The system depopulated after January 1, 2005, and the system ceased operation no longer than 10 years prior to the current date.
  - At the time the system ceased operation, it was in compliance with an individual permit or a general permit.

- The Division issues an individual permit or a certificate of coverage under a general permit for operation of the system before any animals are brought on the facility.
- The permit for the animal waste management system does not allow production to exceed the greatest steady state live weight previously permitted for the system.
- No component of the animal waste management system and swine farm, other than an existing swine house or land application site, may be constructed in the 100-year floodplain.
- The inactive animal waste management system was not closed using the expenditure of public funds and was not closed pursuant to a settlement agreement, court order, cost-share agreement, or grant condition.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 18: Modify Implementation of the Odor Control of Feed Ingredient Manufacturing Plants Rule (SL 2015-263)**

Sec. 18 of S.L. 2015-263 modifies implementation of the Odor Control of Feed Ingredient Manufacturing Plants Rule, which requires that various odor control measures be implemented at any facility that produces feed-grade animal proteins or feed-grade animal fats and oils. The Rule specifically provides that a person at such facilities must not cause or permit any raw material to be handled, transported, or stored, or to undertake the preparation of any raw material without taking reasonable precautions to prevent odors from being discharged. For purposes of the Rule, raw material is considered in storage after it has been unloaded at a facility or after it has been located at the facility for at least 24 hours.

Section 18 of the act modifies the implementation of the Rule to provide that:

- Raw material is considered in storage after it has been unloaded at a facility or after it has been located at the facility for at least 36 hours.
- A vehicle or container holding raw material, which has not been unloaded inside or parked inside an odor controlled area within the facility, must be unloaded for processing of the raw material prior to the expiration of the following time limits: (i) for feathers with only trace amounts of blood, such as those obtained from slaughtering houses that separate blood from offal and feathers, no later than 48 hours after being weighed upon arrival at the facility; (ii) for used cooking oil in sealed tankers, no later than 96 hours after being weighed upon arrival at the facility.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 19: Exempt Certain Wetlands Mitigation Activities from Requirements under the Sedimentation Pollution Control Act (SL 2015-263)**

Sec. 19 of S.L. 2015-263 exempts from the Sedimentation Pollution Control Act activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the federal Clean Water Act, and activities undertaken voluntarily to restore the wetland functions of converted wetlands.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 23: Amend Definition of Mining Relative to Agricultural Activities (SL 2015-263)**

Sec. 23 of S.L. 2015-263 amends the definition of mining to provide that mining does not include excavation or grading when conducted solely for activities undertaken on agricultural land that are exempt from the requirements of the Sedimentation Pollution Control Act.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 1: Revise Horse Industry Promotion Act to Increase Caps on Duration and Amount of an Assessment (SL 2015-263)**

Sec. 1 of S.L. 2015-263 increases the North Carolina Horse Council assessment from \$2.00 to \$4.00 per ton of commercial horse feed, and provides that the assessment is levied for a period of 10 years, up from 3 years. By statute, the Council must use these funds to promote the interests of the horse industry.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 3: Establish Policy Supporting Sound Science in Agriculture (SL 2015-263)**

Sec. 3 of S.L. 2015-263 establishes a policy supporting sound science in agriculture in the State. The term "sound science in agriculture" is defined in this section.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 14: Transfer Captive Cervid Program to the Department of Agriculture and Consumer Services (SL 2015-263)**

Sec. 14 of S.L. 2015-263 transfers the captive cervid program from the jurisdiction of the Wildlife Resources Commission (WRC) to the Department of Agriculture and Consumer Services (DACS). DACS is responsible for regulating the production, sale, possession, and transportation, including importation and exportation, of farmed cervids. This includes any cervid species that is held in captivity and produced, bought, or sold for commercial purposes, including white-tailed deer, elk, fallow deer, and red deer.

DACS is authorized to issue new captivity licenses and permits for farmed cervid facilities that will hold cervids that are not susceptible to Chronic Wasting Disease (CWD). Until the USDA has adopted an approved method of testing for CWD in living cervids, CWD-susceptible deer may not be imported into

this State. After a live CWD test is developed, DACS would be authorized to issue new captivity licenses or permits for farmed cervid facilities that will hold cervids susceptible to CWD only if the CWD-susceptible source animals are from a certified herd in accordance with USDA Standards from an existing licensed facility. However, DACS would not be authorized to issue an importation permit for any farmed cervid from a CWD-positive, -exposed, or -suspect farmed cervid facility.

All free-ranging cervids must be removed from any new captive cervid facility before stocking the facility with farmed cervids. Hunt facilities are prohibited.

Local governments may not adopt any ordinance inconsistent with or more restrictive than the provisions of this section.

Live farmed cervids may only be transported on a public road if the cervid has an official form of identification and the appropriate transportation, importation, or exportation permit issued by DACS. Any live farmed cervid transported on a public road is subject to inspection by a wildlife law enforcement officer to ensure that the farmed cervid has the required official identification and permits.

WRC retains jurisdiction over the possession and transportation, including importation and exportation, of non-farmed cervids, including game carcasses and parts of game carcasses extracted by hunters and carcasses and parts of carcasses imported from hunt facilities as defined by USDA Standards.

This section became effective September 30, 2015.

### **S513 - North Carolina Farm Act of 2015, Sec. 24: Amend the Holding and Advertising Period for Unclaimed Livestock (SL 2015-263)**

Sec. 24 of S.L. 2015-263 reduces, from 50 days to 13 days, the holding and advertising period for unclaimed livestock. This section also replaces archaic language in the notification procedure.

This section became effective September 30, 2015, and applies to livestock impounded on or after that date.

### **S513 - North Carolina Farm Act of 2015, Sec. 25: Modify Department of Agriculture Reporting Requirements (SL 2015-263)**

Sec. 25 of S.L. 2015-263 repeals the Department of Agriculture and Consumer Services' reporting requirement for the North Carolina Dairy Stabilization and Growth Program and changes the reporting date for revenues and expenditures of the Spay/Neuter Account from February to March of each year.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 26: Prescribed Burning Act Modifications (SL 2015-263)**

Sec. 26 of S.L. 2015-263 allows the North Carolina Forest Service to accept a prescribed burner certification from another state or other entity.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 27: Modify Penalty for Failure to Guard a Fire by Watchman (SL 2015-263)**

Sec. 27 of S.L. 2015-263 reduces the penalty for failure to guard a fire by watchman from a Class 3 misdemeanor to an infraction.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 29: Clarify the Pesticide Board's Authority to Relicense and Recertify Licensees for Pesticide Dealers, Applicators, and Pest Control Consultants (SL 2015-263)**

Sec. 29 of S.L. 2015-263 allows the Pesticide Board to grant license renewal for pesticide dealers, pesticide applicators, and pest control consultants by completion of continuing certification credit requirements. Previously, license renewals could only be issued by re-examination.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 30: Clarify that Projects for the Purpose of Commercial Resale of Natural Gas or Propane Gas are not Eligible for the Expanded Gas Products Service to Agriculture Fund (SL 2015-263)**

Sec. 30 of S.L. 2015-263 clarifies that a project intended for the purpose of commercial resale of natural gas or propane gas is not an eligible project for the Expanded Gas Service to Agriculture Fund under the Department of Commerce.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 31: Limit the Personally Identifying Information that the Department of Agriculture and Consumer Services May Disclose About Its Animal Health Programs (SL 2015-263)**

Sec. 31 of S.L. 2015-264 makes a conforming change to clarify that all USDA-generated information received by the Department of Agriculture and Consumer Services (DACS) that is confidential under federal law must be held confidential. This section also provides that all information collected by DACS from farm owners or animal owners, including laboratory reports received or generated from samples submitted for analysis, that may be used to identify an individual or business subject to regulation by DACS may not be disclosed without the permission of the owner, unless necessary to prevent the spread of animal disease or implement animal health programs.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 33: Exemptions from Certain Department of Environmental and Natural Resources Permits and Waste Analysis During Imminent Threat of Contagious Animal Disease (SL 2015-263)**

Sec. 33 of S.L. 2015-263 clarifies the powers of the State Veterinarian to develop emergency measures to prevent and control the spread of a contagious animal disease by providing that emergency measures relating to the composting of dead domesticated animals are deemed permitted with respect to Department of Environment and Natural Resources (DENR) water quality permits, and DENR is not required to issue permits. This section also provides that the State Veterinarian may temporarily suspend periodic testing of waste products from animal waste management systems and dry litter poultry facilities, in consultation with the Commissioner of Agriculture and the approval of the Governor, to the extent necessary to prevent and control an animal disease. During the suspension of waste analysis, the 1217 Interagency Committee must establish waste product nutrient content to be used for application of waste at no greater than agronomic rates.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 34: Clarify Construction of Farm Buildings on State Property (SL 2015-263)**

Sec. 34 of S.L. 2015-2643 clarifies that a "farm building," for purposes of the State Building Code, includes any unoccupied structure built upon land owned by the State of North Carolina and administratively allocated to the Department of Agriculture and Consumer Services or North Carolina State University which is used primarily for forestry production and research or agriculture production and research. This section also makes technical changes to the statute governing farm buildings.

This section became effective September 30, 2015.

### **S513 - North Carolina Farm Act of 2015, Sec. 35: Wildlife Search and Seizure Modifications (SL 2015-263)**

Sec. 35 of S.L. 2015-263 provides that a wildlife inspector, protector, or other law enforcement officer may not inspect weapons or equipment possessed incident to an activity under the officer's jurisdiction unless the officer has a reasonable suspicion that a violation has been committed, except to check whether a shotgun is plugged or unplugged. This section provides that it is unlawful to refuse to allow inspectors, protectors, or other law enforcement officers to inspect fish or wildlife for the purpose of ensuring compliance with bag limits and size limits. This section also prohibits officers from inspecting weapons, equipment, fish, or wildlife in the absence of a person in apparent control of the item to be inspected, with some exceptions.

This section directs the Wildlife Resources Commission (WRC) to report to the Joint Legislative Oversight Committee on Justice and Public Safety by March 1, 2016, and annually thereafter, on the number of complaints received against WRC officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed.

The provisions of this section amending the law on search and seizure by wildlife inspectors, protectors, or other law enforcement officers became effective December 1, 2015, and apply to offenses committed on or after that date. The remainder of this section became effective September 30, 2015.

### **S513 - North Carolina Farm Act of 2015, Sec. 37: Allow Alternate Forms of Documentation for Participation in Certain Agricultural Cost-Share Programs (SL 2015-263)**

Sec. 37 of S.L. 2015-263 provides that an applicant for either the Agriculture Cost Share Program for Nonpoint Source Pollution Control or the Agricultural Water Resources Assistance Program (AgWRAP) may prove his or her eligibility for either program by showing one of the following forms of documentation, which are also used as evidence of bona fide farm status for zoning purposes:

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forest management plan.
- A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

### **S513 - North Carolina Farm Act of 2015, Sec. 5: Allow Oversize Transportation of Hay Bales (SL 2015-263)**

Sec. 5 of S.L. 2015-263 provides that any vehicle carrying baled hay from place to place on the same farm, from one farm to another, from farm to market, or from market to farm, that does not exceed 12 feet in width may be operated on the highways of this State. Such vehicles exceeding 10 feet in width must

operate only during daylight hours and must display a red flag or flashing warning light in the front and rear of the vehicle.

This section became effective September 30, 2015.

**S513 - North Carolina Farm Act of 2015, Sec. 6: Amend Right-of-Center Requirements for Certain Agricultural Vehicles (SL 2015-263)**

Sec. 6 of S.L. 2015-263 amends the right of center requirements to provide that farm equipment is not required to operate to the right of the center line when the combined width of the traveling lane and the accessible shoulder is less than the width of the equipment.

This section became effective September 30, 2015.